

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

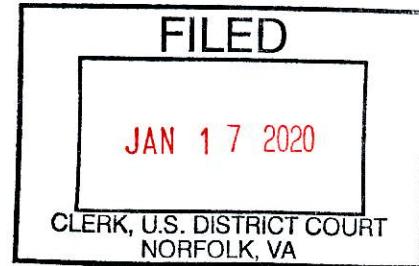
MONICA BRUNTY, on behalf of herself
and others similarly situated,

Plaintiffs,

v.

OPTIMA HEALTH PLAN, and
SENTARA HEALTH PLANS, INC.,

Defendants.



Civil Action No. 2:19-cv-255

**CONSENT ORDER ON MOTION TO CONDITIONALLY CERTIFY NARROWED
CLASS AND APPROVE NOTICE TO POTENTIAL PLAINTIFFS**

Before the Court is the Parties' Consent Motion to Conditionally Certify Narrowed Class And Approve Notice to Potential Plaintiffs in the Putative Class. Upon consideration of the motion, and for good cause shown, it is hereby:

ORDERED that the Parties' Motion to Conditionally Certify Narrowed Class And Approve Notice to Potential Plaintiffs in the Putative Class is granted and that:

1. The court conditionally certifies the following Putative Class as a collective action:
All current and former employees employed in the Care Coordinator-Non-RN position, who were employed by the Defendants in the last three years and who were paid on a salary basis.
2. Defendants are ordered to produce the names, last known home addresses, and any known personal e-mail addresses or last known home and cell phone numbers (Employee Information) in their possession and control for the Putative Class Members. Defendants shall provide the Employee Information in an electronic form that can be used by Plaintiffs in mailing

out the Court-approved Notice. If the information is not stored electronically, Defendants shall provide it in written form. This information must be produced to Plaintiffs within fourteen (14) days of the entry of this Order.

3. The Court approves the Notice submitted as Exhibit A to the Memorandum in Support and the Consent to Join form submitted as Exhibit B to the Memorandum in Support. Plaintiffs' counsel will have fourteen days from the date of receipt of the Employee Information to distribute the Notice to Putative Class Members. The Notice and Consent forms shall be mailed by first class mail or overnight delivery, along with a self-addressed, postage paid return envelope for U.S. Postal Mailing, at Plaintiffs' attorneys' cost.

4. The Court also authorizes Plaintiffs to send notice via electronic mail and text message. The Court specifically authorizes Plaintiffs to send a brief text message with a link to the Notice of Rights and Consent forms to each worker's cellular phone. Persons receiving the Notice of Rights and Consent forms will be given the option to sign their forms electronically. The electronic mail notification shall include the agreed upon message in the body of the email, the Notice of Rights and Consent forms in .pdf format, and a link to view and sign the Consent form in the program DocuSign, which allows for electronic signature by the person viewing the document.

5. The Potential Plaintiffs shall be provided fifty (50) days after the date the Notice and Consent forms are initially mailed to file a Consent to Join form opting-in to this litigation. A Consent form postmarked on the deadline is considered timely. Consents received by mail without postmarks shall be considered timely if received within four business days of the deadline.

6. After sending the initial Notice, Plaintiffs' counsel will be entitled to issue one reminder Notice and Consent form by first class mail, overnight delivery and/or electronically at Plaintiffs' attorneys' cost to Putative Class Members who have not yet returned a Consent form within thirty (30) days of the initial issuance of the Notice and Consent forms.

7. Plaintiffs' counsel will file the consent forms for the Opt-In Plaintiffs as they are received. Consent forms postmarked on the deadline, or received without postmarks or electronic evidence of receipt within four business days of the deadline, must be filed no later than ten (10) days after close of the Opt-In Period.

8. The putative class in this case shall be limited to the Care-Coordinator-Non RN position, and Plaintiffs shall not add plaintiffs to this lawsuit who were not employed in that position.

9. This Order amends the previous Consent Order related to the Parties' Motion for Continuance of Trial and Stay of Discovery (ECF #29). The Parties will promptly meet and confer about an appropriate discovery plan within seven days following the close of the opt-in deadline, after the identity of the opt-in Plaintiffs are known. The Parties will attend a new Rule 16 scheduling conference around 90 days from the entry of this order, or on

April 20, 2020, 9:00 AM. The Parties are authorized to commence discovery related to the named and opt- in Plaintiffs' claims and the Defendants' defenses during the pendency of the notice period.

ENTERED this 17th day of January, 2019.


Raymond A. Jackson
United States District Judge

Seen and accepted by:

/s/

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**Application for admission pro hac vice
forthcoming*

/s/

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